

SAMPLE FORM

**RESOLUTION BY INDIAN HOUSING AUTHORITY
AUTHORIZING AND DIRECTING THE SUBMISSION OF AN APPLICATION
FOR A LOW-INCOME INDIAN HOUSING PROGRAM**

RESOLUTION NUMBER _____

WHEREAS, the United States Housing Act of 1937 provides that there shall be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise; and

WHEREAS, under the provisions of the United States Housing Act of 1937, the Secretary of Housing and Urban Development is authorized to provide financial assistance to public housing agencies for low income housing; and

WHEREAS, the Rehabilitation Act of 1937 is applicable to Indian Housing Authorities (IHAs) and implemented under the provisions of 24 CFR 8; and

WHEREAS, HUD requires that the IHA explain how solid waste disposal for the development project will be addressed; and

WHEREAS, HUD requires that the IHA incorporate a statement into its resolution regarding the planned access to public utility services for development, and a listing of any official commitment for these utility services; and

WHEREAS, HUD requires the IHA to advise HUD of any persons with a pecuniary interest in the proposed development; and

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the _____ Indian Housing Authority as follows:

1. The _____ Indian Housing Authority hereby determines that within its area of operation there is a need for low income housing to meet the needs not being adequately met by private enterprise.
2. That the Executive Director shall cause to be prepared and the Chairperson, Vice Chairperson, or Executive Director (*choose one or more authorized persons*) shall sign and send to the United States Department of Housing and Urban Development an application for financial assistance for not to exceed approximately _____dwelling units of low income housing to be provided by new construction, or by acquisition, or by acquisition and rehabilitation of existing housing, and for a preliminary planning grant in an amount not to exceed \$ _____(*enter the amount the IHA determines as necessary for planning purposes*). The Chairperson, Vice Chairperson, Executive Director (*choose one or more persons*) is authorized to execute an ACC amendment for such planning funds on behalf of the IHA and the Secretary is hereby authorized to impress and attest the Seal of the Housing Authority on such ACC amendment and submit the executed counterparts and related documents as required by HUD.
3. In connection with the development and operation of any program or activity receiving Federal financial assistance under the United States Housing Act of 1937, regardless of when such program or activity or any portion thereof was or is initially covered by any contract, the Indian Housing Authority (IHA) will comply with all requirements imposed by the Indian Self-Determination and Education Assistance Act (25 U.S.C. Section 450, 455-458), Executive Order 11246, and HUD regulations pursuant to the above, to the extent applicable to the IHA.
4. Solid waste disposal for the development project is a concern to the IHA, and will be addressed in a timely manner in compliance with all applicable HUD and other federal, state, and local requirements. Prior to final approval of the Development Program for the project, the IHA will provide any necessary information and assurances required to be submitted by HUD.

5. Public utility services will be available and adequate to serve the proposed housing. The following entities have made an official commitment to developing the needed utility services:

The following entities will be contacted to procure commitments for the required utility services: _____

6. The following persons have acquired a pecuniary interest in the proposed development: (developers, contractors, consultants, etc): _____

During the time when an application is pending or assistance is being provided, the IHA will update the required disclosure to HUD within 30 days of any substantial change.

7. Additional assistance in the amount of \$ _____ will be provided by _____ to be used in support of the project applied for.

8. The IHA has complied with all requirements of 24 CFR Part 135, which implements Section 3 of the HUD Act of 1968, as amended.

9. For IHAs organized under State Law: Projects are in compliance with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8 and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations for Title II of the ADA issued by the Department of Justice at 28 CFR Part 35. NOTE: Title II of the ADA is not applicable to IHAs established by exercise of a tribe's powers of self-government.